

**US Environmental Protection Agency  
Region II  
EXPEDITED REMOVAL ASSESSMENT CRITERIA**

<b>SITE NAME</b>	Kraus Enterprise Site		
<b>Date of Report</b>	12/27/04	<b>Removal Eligible (yes/no)</b>	Yes - Pending JOTA Meeting
<b>SITE ID No.</b>	WL	<b>CERCLIS/RCRIS NO.</b>	NYO000201939

<b>Location:</b> {street, block, lot, city, county, state, zip code, Longitude, Latitude}	254 Rano Street, Buffalo, Erie County, NY 14216 42 75' 18" N, 78 53' 54" W		
<b>Mailing Address</b>	254 Rano Street, Buffalo, Erie County, NY 14216		
<b>Abandoned (date)</b>	April 2004		
<b>EPA Investigators (Name &amp; Phone #)</b>	Kevin Matheis	<b>Date of Investigation</b>	12/14/04
<b>State Investigators (Name &amp; Phone #)</b>	David Szymanski, NYSDEC 716.851-7220	<b>Date of State Response</b>	None
<b>State Case No.</b>		<b>NRC Case No.</b>	
<b>ERNS Case No.</b>			
<b>Contact for Access to Property (facility, state, local) (phone #)</b>	City of Buffalo closed the site via Court Order. The City of Buffalo Attorney is Peter Savich, 716.851.4116. The site owner is William P. Kraus Jr. His attorney is Adam Connors of Wayne/Fried. The attorney can be reached at 716.565.2000.		
<b>Directions to site (narrative) (Enclose copy of map at end of report)</b>	From Buffalo Airport, Exit Route 33 east to Route 198. Take Route 198 to Elmwood Ave exit. Take Elmwood avenue North to Hertel Avenue West. Take Hertel Ave west to Military Road. At Military, go north to Skillin Street. Turn west on Skillen, Rano/Isabelle St. will be on the left.		
<b>Access Agreement (Verbal, Written, None, Any problems gaining access? If so, was an attorney assigned for the site? EPA Attorney's name &amp; phone number)</b>	Access granted when EPA was doing a removal at Aryl Corp. Still in effect. City of Buffalo amended vacating warrant to include EPA and NYSDEC in access in December 2004.		

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## **A. Site History (Short Narrative describing the origination of the site)**

Kraus Enterprise Site is a former foundry building and multi-use tenant building that was converted into warehouse space by William Kraus. The owner allowed the building to deteriorate to the point that in April 2004, Krause Enterprise notified his tenants that he was abandoning the property. The warehouse tenants were ordered to vacate the premises in August 2004.

From August 2004 to present, the site has been looted and vandalized. Either Kraus Enterprise or tenants, or both abandoned chemicals from various sources. The chemicals include an estimated 1000+ abandoned containers of paints, solvents, petroleum, and unknown materials were observed in varying sizes (pints, 1-5-30-55 gallon cans/drums) and states of distress. Many containers indicated contents that were corrosive, flammable or toxic. Some spilled materials were observed in several areas of the warehouse, including a large waste pile that had recently been set on fire. A number of compressed gas cylinders were present throughout the site. Hundreds of mercury-containing fluorescent and metal-halide bulbs were stockpiled, with a large number that had been broken. Excessive amounts of abandoned solid waste presents difficulty in accessing some of the aforementioned waste materials.

According to the NYSDEC, and confirmed by EPA, approximately 40-55 gallon drums and about 1,000 or more smaller containers of chemicals were observed to be abandoned on-site.. Based on a review of available drum/container labels, flammable materials (ethylene glycol, ether acetate, topcoat paint, laquer, mineral spirits), hydrochloric acid, and caustic materials are present.

There is evidence of spillage from drums and other containers, possibly to the environment through pit floors and sumps, and several of the drums and containers were observed to be in a deteriorated state.

Site assessment conducted on December 14, 2004.

## **B. Site Characteristics**

### **1. Physical Location**

<b><i>Type of Site (Industrial, Commercial, residential etc.)</i></b>	Mixed industrial and residential. Building is on Isabelle and Rano Street. Residential Neighborhood is across the street from the site. An industrial operation employing 25 people are adjacent to the site to the east and south.
<b><i>Current Operations</i></b>	Abandoned
<b><i>Past Operations</i></b>	Warehousing multiple tenants.

<b><i>Nature of Neighborhood (industrial, commercial, rural , suburban. Describe the pedestrian and vehicular traffic, is it a highway, is the area deserted etc.)</i></b>	Mixed residential and commercial. Site fencing and buildings are in poor condition and subject of numerous break-ins. Due to location of site in proximity to residences, the potential for illegal entry exist. Vehicular traffic and pedestrian traffic are minimal since the site front is boarded, but the interior portions are not visible from the street.
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## 2. Physical Characteristics

<b><i>Size of Property</i></b>	approximately 1 acre	<b><i>Number of Buildings</i></b>	1.
<b><i>Size of Bldgs, number of floors, basement</i></b>	Main warehouse and office building is approximately 300 x 100 feet in size. Building had formerly been chopped into warehouse for tenants, now all buildings are accessible.		
<b><i>Building Drains (describe any evidence of potential discharge from the building and direction of flow, e.g sanitary sewer, are drain outfalls directed to a stream or other sensitive area, etc.)</i></b>	Uncertain about sewer connections to street from buildings. Since the closure, the outfall to the sewer system has been normal. Firefighting water from December 2004 potentially entered the sewer, but impact unknown.		
<b><i>Building Construction (Roof: Wood, metal Walls: Masonry, wood Floor: Concrete, wood)</i></b>	Masonry walls, concrete walls and floors and wooden roofs and floors. Debris and abandoned production materials situated throughout the entire building complex..		
<b><i>Fire Protection systems (indicate if operational)</i></b>	None		
<b><i>System automatic Yes/No</i></b>	None		
<b><i>Other Physical Hazards ( stability of the terrain, stability of stacked material)</i></b>	Piles of rubbish and abandoned debris are in portions of the warehouse, mixed with containers of hazardous substances.		
<b><i>Space availability for vehicles trailers, staging of drums, equipment, etc.</i></b>	Ample space for storage, command post, and vehicles at the site. Front parking lot could be used for command post. Several warehouse buildings can be used for drum storage.		

### 3. Site Conditions

<b>Structural Integrity of Building/Structures</b> ( e.g. holes in the roof, past fires, evidence of past damage, water damage, obstacles to site entry)	Buildings are in poor condition. City Housing Court ordered that the building be abandoned because of poor building conditions. Some portions of the building are in good condition, others in poor condition. Site fencing not intact and though the City has boarded up the building, vandals continue to try and successfully enter the building. Site entry easily obtained through various entry points large enough for equipment.
<b>Evidence of Public Entry</b> (graffiti, vagrants, dumping etc.)	Widespread access to the public and vandalism is frequent. A suspected arson fire was started in December 2004. Vagrants and hobos may also be living in the building.
<b>Housekeeping</b> (Evidence of stains on ground, discolored water, pools of liquid on the ground, debris)	Poor housekeeping. Areas within the building tend to be cluttered. One drum was spilled and its contents are on the ground. One large debris pile mixed with hazardous materials was recently burned. Asbestos within the buildings are in poor condition.
<b>Occupancy (hours occupied)</b>	None
<b>Utilities</b> <b>Power/gas/water (On/off)</b> <b>Is there a fire hydrant nearby?</b>	No power. Hydrants located near the site.
<b>Lighting</b> ( need of portable lights in order to work in the affected area?)	Natural lighting sufficient in some areas but portable lights will be required in some of the work areas.
<b>Natural Hazards</b> (e.g. poison ivy, poisonous snakes, stray dogs )	Evidence of pests, both animal and insect, are evident at the site. Site operations will be predominantly indoors and natural hazards should not be a factor during the removal.

<b><i>Other hazardous substance indicators (e.g. Dead fish, animals, vegetation; fissures or cracks in solid surfaces to expose deep waste layers, cleared land areas, pits, possible landfilled areas, pools of liquids, distinct odors, anything unusual)</i></b>	No evidence of outside dumping exists. Some of the containers in the waste areas have staining and evidence of historic and current releases.
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#### 4. Security

<b><i>Fencing (complete, partial, type, number of gates)</i></b>	Inadequate security and poor control of entry points exist. Security needed to ensure minimization of trespassing.
<b><i>Condition of fences (holes in fence)</i></b>	Fencing on-site is in poor condition and is not intact.
<b><i>Other means of site access (open door, windows etc)</i></b>	With minimal effort, secured building areas can be accessed due to the amount of entry points into the building.
<b><i>Security Guard/Service (Type, shift hours)</i></b>	None

#### 5. Migration Pathways and Potential Receptors

<b><i>Sewers (Storm or sanitary and distance from site)</i></b>	Sewers within buildings. City of Buffalo sewer treatment plant is aware of plant history and threats of current releases.
<b><i>Waterway, Confluences, Water intakes, drinking water wells (Distance from site)</i></b>	Residents utilize municipal water. Water intakes are located in Lake Erie, well away from site location.
<b><i>Sensitive ecosystems (wetlands, sanctuaries etc. and distance from site)</i></b>	None noticed.

<b>Human Exposure</b> (playground, nursing homes, schools etc., Distance from site)	Within 1/10 mile radius of the site, over 15 homes are situated. Within a 1/4 mile radius of the site, over 30 homes are located with an estimated population of 60.
<b>Air Pathways</b> (Dust or spray in the air, asbestos, gas generation or effervescence, distinct odors, etc.)	Some of the asbestos was recently burned in the December 2004 fire and may have released into the environment. Some of the waste from drums has been dumped onto the ground. Building has a burned plastic smell due to the recent fire.

#### 6. Instrumentation and Sampling

<b>Significant instrument readings during investigations</b> (List instrument, levels and background)	No readings taken. Entry to drum storage areas have not occurred.
<b>Number of samples and type of analysis</b> (e.g. hazcat or lab)	None

#### 7. Number & Types of Containers

<b>Container</b>	<b>Number and types of Containers (e.g. plastic, wooden, concrete, metal )</b>	<b>Condition of containers (rusting, leaking, bulging, corroded etc.)</b>
<b>55-gal drums</b>	30-40 containers	From good to poor condition.
<b>5 - 30 gal containers</b>	200 containers	Varies from poor to fair. Many of the containers have been tossed around the building or stored without regard to compatibility.
<b>&lt;5 gal containers</b>	~100 containers	Varies from poor to good. Many of the containers have been tossed around in the buildings and are not segregated.

Container	Number and types of Containers (e.g. plastic, wooden, concrete, metal )	Condition of containers (rusting leaking, bulging corroded etc.)
Below ground storage tanks (number and sizes; indicate phase levels, etc.)	None noticed	
Above ground storage tanks (number and sizes; indicate phase levels, etc.)	One noticed in a debris pile. Contents are unknown.	Suspected fuel oil.
Secondary containment (Condition, size and type of construction)	None	
Other (cylinders, explosives, etc.)	Light ballasts exist in lighting fixtures and propane cylinders exist in several parts of the buildings. Halide metal lamps and fluorescent lamps are in a storage area and subject to vandalism.	Fair to poor.
Empty containers (number, type and sizes)	Some, but most have materials.	

#### 8. Total Estimated Quantities

<b>CERCLA Hazardous substance</b>	5000 gallons
<b>OIL</b>	1000 gallons
<b>RCRA</b>	500 gallons.

#### 9. Material Identification

Classification	Substance	Method of Identification (Labels, hazcat, analysis etc)
<b>CERCLA</b> (identify substances, e.g. benzene, PCB, etc.)	Paint-related materials Corrosive treatment chemicals	Labels
<b>Oil</b> (Type)	Lubricating oil	Labels

Classification	Substance	Method of Identification (Labels, hazcat, analysis etc)
RCRA hazardous waste	D001  D002	Paint related materials such as paint and solvents. Corrosive water treatment chemicals from label information

#### 10. Evidence of Discharge

<i>Evidence of actual discharge (leaking containers, observation of runoffs, etc.)</i>	Some containers have leaked or appear to be leaking through the top of the drums. Oil and paint stains exist in proximity to the location where the drums and containers are stored. One drum had spilled its contents onto the floor of the warehouse.
<i>Potential discharge (Haphazard storage, incompatibility, etc.)</i>	Incompatible storage, poor building conditions, overall sloppy housekeeping can all contribute to the threat of potential discharge.
<i>Imminent discharge (e.g. damaged drums located at the edge of waterway, etc.)</i>	Severe fire threat throughout buildings due to the amount of paint-related materials, combustible debris (such as rags, paper and other combustible material. Fire occurred in proximity of hazardous materials as recently as December 6, 2004.

#### 11. Pending Actions

<i>Pending Actions to complete investigations (e.g. sampling, hazcat, lab analysis)</i>	Label information and visual observations have been made and a determination can be reasonably made.
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#### C. Site Legal Status

##### 1. Ownership

<i>Status of Site Ownership</i>	The property is owned by the bankrupt Kraus Enterprise.
<i>Status of Site Operations</i>	Abandoned since April and August 2004.

##### 2. Site Cleanup



<b>Previous Actions</b>	EPA conducted a removal action at the Ayril site in December 2004. Ayril was a tenant of the property at that time. The Kraus Enterprise site has not been the subject of a cleanup.
<b>Present Actions</b>	None at this time. No one has claimed ownership or responsibility for the chemicals. The City of Buffalo is securing the site buildings.

### 3. Enforcement Actions:

<b>Records</b> ( records at the site or elsewhere)	Records of operations at the site have not been identified.
<b>Local</b>	Some related to the Housing Court Order to Vacate.
<b>State</b>	None
<b>EPA</b>	None
<b>Other</b>	None

### 4. Suspected PRPs

Name	Address	Phone
Kraus Enterprise	Out of business	
William P. Kraus Jr.		
Warehouse Tenants		

## E. Other Information

### 1. List of Contacts/ Other Notifications

<b>Name</b>	<b>Affiliation</b>	<b>Address</b>	<b>Phone</b>
Dave Szymanski	NYSDEC	270 Michigan Ave, Buffalo, NY 14203	(716) 851-7220
Peter Savich	City of Buffalo	City Hall, Buffalo, NY 14202	(716) 851-4116
Adam Connors	PRP Attorney	Buffalo, NY	(716) 565-2000

## 2. Additional Information

## 3. Site Sketch, Maps, Photographs (append)

See attached site map.